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EXAMINER

BOTTS, MICHAEL K

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/716,884

Applicant(s)

FURUTA ET AL.

Examiner

Michael K. Botts

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11/18/03; 11/1/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/18/03; 11/1/05.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This document is the first Office Action on the merits. This action is responsive to the following communications: The Non-Provisional Application, which was filed on November 18, 2003, and an Information Disclosure Statement (IDS), which were filed on November 18, 2003 and November 1, 2005.
2. The Abstract of the Disclosure is objected to.
3. Claims 1-20 have been examined, with claims 1 and 12 being the independent claims.
4. Claims 1-20 are rejected.

### ***Information Disclosure Statement***

5. An initialed and dated copy of applicant's IDS form 1449, which was filed September 7, 2004, is attached to this Office Action.

### ***Abstract of the Disclosure***

6. The abstract of the disclosure is objected to because it refers to specific figures without explanation or description and is generally not sufficient to assist readers in deciding whether there is a need for consulting the full patent text for details. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an

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improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***The Specification***

7. Applicant is required to continue to update the status (pending, allowed, etc.) of all parent priority applications in the first line of the specification. The status of all

citations of U.S. filed applications in the specification should also be updated where appropriate.

### ***Claims Rejections – 35 U.S.C. 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 3, 6, 8, 9, and 11 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hirokazu, Japan Application Number 11-051709, which was filed on February 26, 1999, as published in Japan Patent Publication Number 2000-253127, which was published September 14, 2000, used herein as translated in Patent Abstracts of Japan, last downloaded by the Examiner on December 17, 2005 from: [www19.ipdl.ncipi.go.jp/PA1/result/detail/main/wAAAYxAG9YDA412253127p1.htm](http://www19.ipdl.ncipi.go.jp/PA1/result/detail/main/wAAAYxAG9YDA412253127p1.htm), [hereinafter “Hirokazu”].

Regarding **independent claim 1**, Hirokazu teaches:

*A portable communication terminal comprising:*

*display means;*

(See, Hirokazu, Figure 1, element 4.)

*image storage means for storing image data;*

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(See, Hirokazu, Figure 3, element 16, and the SOLUTION section of the Abstract teaching “memory.”)

*address book data storage means for storing at least one piece of contact address information and various information associated with the contact address information upon establishing a link therebetween;*

(See, Hirokazu, Figure 3, element 16, and the SOLUTION section of the Abstract teaching “memory.”)

*storage means for storing a link between specific data in the address book data storage means and a storage address of image data stored in the image storage means;*

(See, Hirokazu, Figure 3, element 12, and the SOLUTION section of the Abstract teaching “registering,” and the PROBLEM TO BE SOLVED section of the Abstract teaching the “register part, where the input data and the image data are registered corresponding to each other.”)

*communication log storage means for storing, as a communication log, contact address information transmitted and/or received by the portable communication terminal;*

(See, Hirokazu, Figure 3, element 12, and the SOLUTION section of the Abstract teaching “registering,” and the PROBLEM TO BE SOLVED section of the Abstract teaching the “register part, where the input data and the image data are registered corresponding to each other.”)

*first instructing means for instructing to display a communication log on the display means;*

(See, Hirokazu, Figure 3, part 14, and the Abstract teaching part 14 as a display associated with the communication log and the image. See also Figure 4 teaching the display of the communication log. In addition, it is inherent from the existence of the display of the communication log and from the recording of the communication log that an “instructing means for instructing to display a communication log on the display means” exists in the invention taught by Hirokazu.)

*first display control means for, when detecting an instruction from the first instructing means, listing/displaying the contact address information stored in the communication log storage means on the display means;*

(See, Hirokazu, Figure 4, and the Abstract.)

*second instructing means for instructing to display a communication log with an image on the display means when list display is performed by the first display control means;*

(See, Hirokazu, Figure 4, and the Abstract.)

*first determination means for, when detecting an instruction from the second instructing means, referring to the storage means to determine whether image data is linked to the contact address information displayed on the display means; and*

(See, Hirokazu, Figures 3-6 and the Abstract. It is inherent from the “register part” associating telephone number data and image data, and from the display of the phone

data and image data together in Figures 3-6, that there is a “determination means” to “determine whether image data is linked to the contact address information displayed on the display means.”)

*second display control means for, when the determination means determines that image data is linked, reading out and resizing the image data and listing/displaying the data, together with the contact address information.*

(See, Hirokazu, Figure 4, element 24 and Figures 5 and 6 teaching resized image data.)

Regarding **dependent claim 3**, Hirokazu teaches:

*A terminal according to claim 1, further comprising:*

*first selection means for selecting specific contact address information from the contact address information listed/displayed on the display means; and*

*third display control means for, when contact address information is selected by the first selection means, causing the display means to display a communication state when communication is made in accordance with the contact address information.*

(See, Hirokazu, Figures 3, element 14, and Figures 5 and 6 showing signal strength indicators, and see Abstract, describing function of part 14.)

Regarding **dependent claim 6**, Hirokazu teaches:

*A terminal according to claim 3, further comprising:*



*third determination means for determining in accordance with display performed by the third display control means whether or not a list display instruction is detected; and*

*fifth display control means for, when a list display instruction is issued by the third determination means, causing the first display control means to perform list display if display is performed by the third display control means through list display by the first display control means, and causing the second display control means to perform list display if display is performed by the third display control means through list display by the second display control means.*

(See, Hirokazu, Figures 4-6, and Abstract.)

Regarding **dependent claim 8**, Hirokazu teaches:

*A terminal according to claim 1, wherein*  
*the first display control means separately displays an outgoing call log and an incoming call log as the communication log and further comprises:*  
*third instructing means for instructing to display an outgoing call log;*  
*fourth instructing means for instructing to display an incoming call log; and*  
*seventh display control means for switching and displaying an outgoing call log and an incoming call log every time each of instructions from the third and fourth instructing means is detected.*

(See, Hirokazu, Abstract, teaching part 11 receiving calls and part 12 performing operations for registering calls, and part 14 for displaying image data in addition to the

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called telephone number, etc. It is inherent in a phone that permits storing and manipulating incoming and outgoing phone call data to display that data on demand.)

Regarding **dependent claim 9**, Hirokazu teaches:

*A terminal according to claim 1, further comprising eighth display control means for causing the display means to always display a reception state of the radio signal.*

(See, Hirokazu, Figures 5 and 6.)

Regarding **dependent claim 11**, Hirokazu teaches:

*A terminal according to claim 1, further comprising:  
image sensing means; and  
storage control means for causing the image storage means to store  
image data sensed by the image sensing means.*

(See, Hirokazu, Abstract, teaching an image input part 13 and memory 16.)

9. Regarding **claims 12, 14, 17, and 20**, claims 12, 14, 17, and 20 incorporate substantially similar subject matter as claimed in claims 1, 3, 6, and 11, respectively, and are rejected along the same rationale.

***Claims Rejection – 35 U.S.C. 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2, 4-5, 7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirokazu, Japan Application Number 11-051709, which was filed on February 26, 1999, as published in Japan Patent Publication Number 2000-253127, which was published September 14, 2000, used herein as translated in Patent Abstracts of Japan, last downloaded by the Examiner on December 17, 2005 from: [www19.ipdl.ncipi.go.jp/PA1/result/detail/main/wAAAYXaG9YDA412253127p1.htm](http://www19.ipdl.ncipi.go.jp/PA1/result/detail/main/wAAAYXaG9YDA412253127p1.htm), [hereinafter "Hirokazu"], in view of Hsu (U.S. Patent 5,907,604) [hereinafter "Hsu"].

Regarding **dependent claim 2**, Hirokazu in view of Hsu teaches:

*A terminal according to claim 1, wherein the portable communication terminal further comprises second determination means for determining whether or not information identical to contact address information stored in the communication log storage means is present in the address book data storage means, and*

*the first display control means causes the display means to display various information associated with the contact address information in place of*

*the contact address information when the second determination means determines that the information is present.*

(Hirokazu teaches a portable communication terminal (see, Hirokazu, Figure 1, and the Abstract) with a means for storing contact information in a communication log storage means to store address data (see, Hirokazu, memory 16 and the Abstract) and a display means to display various information associated with the contact information (see, Hirokazu, Figures 1, 3-6, and Abstract). Hirokazu does not expressly teach a "determination means" to compare communication log data with address book data to see if the data are identical.

Hsu teaches that when a calling party calls a receiving phone, the Caller ID is processed by standard circuitry and used to access a database to associate the call with stored data about the caller, which stored data may include an image, name, phone number, or other associated data. See, Hsu, col. 3, line 65 through col. 4, line 16.)

Suggestion or motivation to combine the teachings of Hirokazu and Hsu would have been from the fact that both references deal with phone communications and association of image and other data with incoming, outgoing, and stored phone numbers.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Hirokazu with Hsu to result in a portable phone that stored image data along with contact information and would compare incoming caller identification information with stored information in order to

determine whether associated data for that caller was on file in the phone, and to then display the associated data.

Regarding **dependent claim 4**, Hirokazu in view of Hsu teaches:

*A terminal according to claim 2, further comprising:*

*second selection means for selecting specific various information from the various information listed/displayed on the display means; and*

*fourth display control means for, when specific various information is selected by the second selection means, causing the display means to display the various information and a communication state when communication is made.*

(See, Hirokazu, Figures 3, element 14, and Figures 5 and 6 showing signal strength indicator icons, and see Abstract, describing function of part 14.)

Regarding **dependent claim 5**, Hirokazu in view of Hsu teaches:

*A terminal according to claim 4, wherein*

*the various information includes a plurality of pieces of contact address information, and*

*the fourth display control means controls to display said plurality of pieces of contact address information and an icon indicating attributes thereof.*

(See, Hirokazu, Figures 3-6 and Abstract. See also, Hsu, col. 3, line 65 through col. 4, line 16.)

Regarding **dependent claim 7**, Hirokazu in view of Hsu teaches:

*A terminal according to claim 4, further comprising:*

*fourth determination means for determining in accordance with display performed by the fourth display control means whether or not an image data display instruction is issued; and*

*sixth display control means for, when an image data display instruction is issued by the second determination means, reading out image data on the basis of a storage address of image data linked and stored in the storage means, resizing the image data, and displaying the data on the display means in place of display by the fourth display control means.*

(See, Hirokazu, Figures 3-6 and Abstract. See also, Hsu, col. 3, line 65 through col. 4, line 16.)

Regarding **dependent claim 10**, Hirokazu in view of Hsu teaches:

*A terminal according to claim 7, wherein*

*the image data includes moving image data, and*

*when the image data is moving image data, the sixth display control means plays back a moving image based on the moving image data.*

(See, Hirokazu, Figures 3-6 and Abstract. See also, Hsu, col. 3, line 65 through col. 4, line 16. Neither Hirokazu nor Hsu expressly discloses a moving image, however it is inherent in an invention that associates caller data to an image to also associate caller

data to a moving image.)

Regarding **claims 13, 15, 16, 18, and 19**, claims 13, 15, 16, 18, and 19 incorporate substantially similar subject matter as claimed in claims 2, 4, 5, 7, and 10, respectively, and are rejected along the same rationale.

11. It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See, MPEP 2123.

### ***Conclusion***

12. The following prior art is made of record and not relied upon that is considered pertinent to applicants' disclosure:

Imagawa, et al. (U.S Patent 6,961,448 B2), teaching storage of moving data image in a communications terminal.

Pound (U.S Patent 6,867,797 B1), teaching animating images during a call.

Fukada (U.S Patent 6,810,115 B2), teaching multimedia data associated with caller identification information.

Matsumoto et al. (U.S Patent 6,798,872 B1), teaching caller information associated with calls.

Paik, et al. (U.S Patent 6,675,009 B1), teaching picture information associated with incoming call.

Bierman, et al. (U.S Patent 5,761,279), teaching display of associated graphic information with a call.

Sato, et al. (U.S Patent 5,305,097), teaching image data associated with a call.

Grube (U.S Patent 5,073,927), teaching image association with a call.

Figa, et al. (U.S Patent 4,924,496), teaching caller name and number identification.

Lee (Korea Patent Application 1019990050939, filed November 16, 1999, as shown in Korean Patent Abstracts, Publication Number 1020010046956 A, published June 15, 2001), teaching announcing a call on a mobile phone with a corresponding image, photo, or other data on the display unit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael K. Botts whose telephone number is 571-272-5533. The examiner can normally be reached on Monday Thru Friday 8:00-4:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.



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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MKB

*William S. Bashore*  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**  
*12/21/2005*